

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of:	S. Shi, et al.	Group Art Unit:	1651
Serial Number:	09/439,889	Examiner:	D. Naff
Filed:	November 12, 1999	Docket No.:	PU9990
For:	Macroporous Media for Biological Application		

20/E
M.G.
7/22/03

Response to Notice of Non-Compliant Amendment
(Voluntary Revised Practice)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

July 1, 2003

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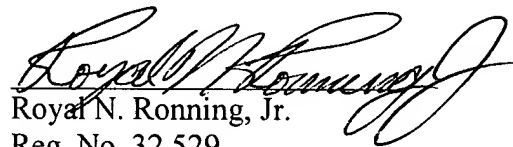
Introductory Comments

Sir:

In response to the Notice of Non-Compliant Amendment having a mailing date of June 13, 2003, regarding Applicants' response to the official office action filed on June, 4, 2003, Applicants attach hereto a complete listing of all of the claims present in the amendment paper.

Applicants believe they have complied with the Notice of Non-Compliant Amendment, a copy of which is enclosed herewith. Should the Examiner have any questions, or if any outstanding matters still remain, he is respectfully invited to contact undersigned counsel at the telephone number listed below.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on July 1, 2003.

Signature: _____



Name: _____

Melissa Leck

Claim 1 (previously amended): A method of making an oligonucleotide array comprising:

- a. providing an array of porous polymer gel pads on the surface of a solid support;
- b. adding an oligonucleotide probe to each of said porous polymer gel pads;
- c. freezing said array of porous polymer gel pads comprising said oligonucleotide probes; and
- d. drying said array of porous polymer gel pads for a time sufficient to increase the pore size of each of said porous polymer gel pads.

Claim 2 (previously amended): An oligonucleotide array of freeze-dried porous polymer gel pads on a solid support, comprising a specific substance bound to each of the porous polymer gel pads, prepared using the steps of claim 1.

Claim 3-5 (cancelled)

Claim 6 (previously amended): The method of claim 1 wherein said freezing is at liquid nitrogen temperatures and said drying is by sublimation.

Claim 7 (cancelled)

Claim 8 (previously added): The array of claim 1, wherein said oligonucleotide probe is a DNA probe.

Claim 9 (previously added): The array of claim 1, wherein said oligonucleotide probe is
an RNA probe.



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Paper No.

Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 6-4-03 under the voluntary revised amendment practice guidelines¹, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☒ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☐ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☒ 5. Other: All claims must be listed whether amended, withdrawn or cancelled.

LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

| Signed by Team Leader |

Team Leader

¹ For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf> and
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprac.pdf>

March 26, 2003

D. Thomas - LIE
(703) 306-0514